



City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Gaio, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: December 16, 2003
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of November 18, 2003

RECOMMENDATION

It is recommended that the City Council approve the Minutes of November 18, 2003.

PENDING CITY
COUNCIL APPROVAL

City of Loma Linda

City Council Minutes

Adjourned Regular Meeting of November 18, 2003

An adjourned regular meeting of the City Council was called to order by Mayor Petersen at 7:12 p.m., Tuesday, November 18, 2003, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Floyd Petersen Robert H. Christman Stan Brauer Robert Ziprick
Councilman Absent:	Mayor pro tempore Karen L. Hansberger
Others Present:	City Manager Dennis Halloway City Attorney Richard E. Holdaway

Councilman Christman led the invocation and Pledge of Allegiance. No items were added or deleted, nor were any public participation comments offered upon invitation of the Mayor.

Scheduled and Related Items

CC-2003-145 – Public Hearing – Council Bill #O-2003-10 (First Reading/Set Second Reading for December 16) – Approving a Development Agreement between Family PeBer Annuity, LLC and the City to assist in providing affordable housing throughout the City

The public hearing was opened and Community Development Director Woldruff presented the report into evidence, stating that ownership of the property by Family PeBer Annuity, LLC was confirmed by way of a document recorded November 13. She went on to say that the project by Steven Walker Homes was approved by the City Council and a Mitigated Negative Declaration was adopted. The Development Agreement was within the scope of the Mitigated Negative Declaration and therefore, no further environmental assessment was required. Mrs. Woldruff confirmed that the Development Agreement pertained to the affordable housing requirement of the development and \$180,000 would be paid to the City in lieu of building the affordable units. The amount of the in-lieu fee would increase on each anniversary of the Development Agreement based upon the terms and conditions contained in the Agreement.

No other public testimony was offered, and the public hearing was closed.

Motion by Brauer, seconded by Ziprick and unanimously carried to introduce Council Bill #O-2003-10 on First Reading and to set the Second Reading for December 16, 2003.

CC-2003-146 – Consent Calendar

Motion by Ziprick, seconded by Brauer and unanimously carried to approve the items as follows:

The Demands Register dated October 31, 2003 with commercial demands totaling \$87,298.92.

The Demands Register dated November 12, 2003 with commercial demands totaling \$567,592.04 and payroll demands totaling \$197,943.70.

The Minutes of October 28, 2003 as presented.

The October 2003 Treasurer's Report for filing.

The October 2003 Department of Public Safety Stats for filing.

Council Bill #R-2003-52.

Resolution No. 2309

A Resolution of the City Council of the City of Loma Linda, California, amending the ICMA Retirement Corporation Deferred Compensation Plan Account #301449 to permit loans

The Slurry Seal of Various Streets Phase III Project as complete, Wheeler Paving, Inc., contractor, and recordation of the Notice of Completion.

Award of contract for installation of Barton Road, Lane Street and State Street waterlines to El-Co Contractors, Inc for \$315,459.70 with a contingency allocation of \$47,000; and to Cal West Consultants for construction inspection and material testing in an amount not to exceed \$18,380.

Seaside County Sanitation District membership in the California Joint Powers Insurance Authority (CJPIA).

Increase in revenue and expenditure relating to the 2002 Park Bond Act Grant Funds in the amount of \$60,325 to complete the improvements at Hulda Crooks Park; amendment to the contract with Park Specialties for an additional \$44,000 to complete the installation of the rubberized play surface, and Avila Construction, Inc. for \$16,325 to install concrete curb and sidewalk.

An Agreement with Lilburn Corporation for \$45,000 to prepare the environmental documents for the San Timoteo Creek Habitat Enhancement Project/Environmental Protection Agency (EPA) Grant Project.

Old Business

CC-2003-147 – Request by Ryland Homes to remove or amend a Condition of Approval from Precise Plan of Design (PPD) 03-02 for the Implementation of Connected Community Requirements

Community Development Director Woldruff presented the report, stating that the Planning Commission approved PPD 03-02 with the condition that the developer provide infrastructure for the Loma Linda Connected Community Program, which provides for a technologically enabled development that includes coaxial, cable, and fiber optic lines to all outlets in each unit of the development.

She went on to say that the developer was concerned with the condition as to timing as well as the infrastructure requirements of the condition and would like to amend the condition by way of a counter proposal. The counterproposal limited the requirements to the installation of CAT6E wiring, which is an industry standard voice data cable for telephone and computer, and to include two data and one cable outlet, without conduit, in all bedrooms, family rooms, den and/or bonus rooms, and wherever desks are provided as a standard of each housing model; running one, two-inch conduit throughout the development in the dry utility trench for future fiber installation and providing the main data frame (MDF) room within the pool house building. The Developer also asked that consideration be given to the formation of a Community Facilities District for the Mission Trails Development to offset the additional development costs.

Mrs. Woldruff stated that the Community Development and Information Systems Departments were concerned that this would undermine the program by not providing the homeowners and residents with the ability to configure and reconfigure their telephone/data and cable television throughout their home, and would limit the City's ability to provide a warranty on the box which would be placed within each home for connection.

She then asked that technical questions be referred to Information Systems Director Hettrick.

Scott McKhann, Ryland Homes, addressed the City Council, stating that the project consisted of 196 homes on Mission Road; that the Staff Report pertaining to the PPD for Planning Commission approval contained a condition that he had not been aware of prior to the date of the Planning Commission meeting. He questioned the applicability of the condition after the tentative map was approved and the site was being developed. He went on to say that it was his understanding that the City, within the last few months, established a policy regarding the Connected Community Program. David E. Watson, counsel for Ryland Homes was asked to review the entitlement stage of the project and the imposition of the condition at this time. A letter was forwarded to the City Attorney and Community Development Staff, stating that given the Development Agreement and the status of the entitlements, it was his opinion that the condition could not be imposed at this time. However, in the spirit of cooperation, Ryland Homes offered a compromise, which would provide connectivity for the residents of the development.

Extensive discussion ensued with Director of Information Systems Hettrick, a technical consultant to Ryland Homes, and a representative of Corning (a fiber provider) responding to questions.

City Attorney Holdaway also responded to concerns stating that he and Mr. Watson spoke about the issues; that the City's Municipal Code provided that in approving a Precise Plan of Design, reasonable terms and conditions deemed necessary may be imposed to protect the health, safety, convenience, and welfare of the community. The Development Agreement also provided that subsequent land use regulations do apply to the development of the property, including regulations governing construction standards and specifications. The Connected Community Program requirements appeared to fall within the provision of the Agreement, in that the standards were prepared by the City and were being applied to other developments. It appeared to be appropriate under the Development Agreement that the condition would apply to this development as well.

Mr. Holdaway confirmed that these particular standards had not been formalized by an ordinance, but had been adopted by the City and approved by the City Council in other projects. At some point, the standards may be adopted by ordinance. The standards were reasonable and consistent with the Development Agreement.

Discussion ensued, including a suggestion to continue the item, pending further information.

Motion by Christman, seconded by Ziprick to support the Staff recommendation, but to reduce the requirement relating to locations per room as suggested by Ryland Homes.

Discussion ensued pertaining to the Planning Commission's imposition of the condition; possible modification of the condition, denying the request and counterproposal, and continuance of the item.

Substitute motion by Christman, seconded by Ziprick and unanimously carried to continue the item to December 16.

CC-2003-148 – Council Bill #O-2003-9 (Second Reading/Roll Call) – Amending the Zoning Map from Agricultural (A-1) and Multi-Family (R-3) to Planned Community (PC) for 6.97 acres located south of Barton Road, east of the Southern California Edison Easement and west of Bryn Mawr Avenue (Steven Walker Homes)

Motion by Ziprick, seconded by Brauer and unanimously carried to waive reading of Council Bill #O-2003-9 in its entirety; direct the Clerk to read by title only and call the roll.

The Clerk read the title and called the roll with the following results:

Ayes:	Petersen, Christman, Brauer, Ziprick
Noes:	None
Abstain:	None
Absent:	Hansberger

Ordinance No. 621

An Ordinance of the City Council of the City of Loma Linda amending the Official Zoning Map of the City of Loma Linda from Agricultural (A-1) and Multi-Family (R-3) to Planned Community (PC) for that area extending diagonally on the south side of Barton and Newport Roads, east of the Southern California Edison Easement and west of Bryn Mawr Avenue (Zone Change 02-06)

New Business

CC-2003-149 – Appoint one member to the Historical Commission to fulfill the June 30, 2006 term of Merlin Burt

Councilman Christman acknowledged Staff's recommendation to appoint Ms. Marilyn Crane to the Commission to fulfill the unexpired term of Mr. Burt, but also suggested that membership be increased to 10 and that Dick Wiley also be appointed.

Community Development Director Woldruff stated that the Municipal Code limited membership to nine; however a Code Amendment could be drafted upon City Council direction. She also stated that the Historical Commission appreciated Mr. Wiley's attendance at the meetings and would welcome his appointment. The Commission also valued the relationship with the Loma

Linda University Heritage Room, and needed both the desire for historical preservation and expertise in providing direction and technical input.

Motion by Christman, seconded by Ziprick and unanimously carried to appoint Ms. Marilyn Crane to the Commission to a June 30, 2006 term and to appoint Mr. Dick Wiley, subject to adoption of a Code Amendment relating to membership.

Reports of Councilmen

Mayor Petersen stated that he attended a banquet at Cal-State San Bernardino, honoring the top 200 scholars in the Inland Empire. Two students from Loma Linda Academy were honored.

He commented on the inaugural speech of Governor Schwarzenegger, and expressed concern about the stability of local government as it related to local government financing.

Mayor Petersen also urged City Council Members to stay involved in the General Plan Update process, particularly as it related to density and the South Hills.

Councilman Brauer commented on the recent fires in San Diego, Fontana, San Bernardino and the mountain communities, and asked about standards and policies to possibly prevent a future catastrophe.

He also asked that Beaumont Avenue be considered at a future meeting in relation to its re-opening, possible re-design, and traffic calming measures.

Councilman Ziprick suggested that Assemblyman Bob Dutton be invited to a Council meeting to address the City Council as to various State issues, particularly as they relate to stability of cities.

Closed Session

CC-2003-150 – Conference with Legal Counsel and Real Property Negotiator (Government Code Section 54956.8)

Property:	City-owned acreage south and westerly of the prolongation of Mt. View Avenue
Negotiating Parties:	Dennis R. Holloway, Empire Homes
Under Negotiation:	Price and terms of payment

The City Council recessed at 9:03 p.m. to consider the closed session item as listed and reconvened at 9:42 p.m. with all members present, except Mayor pro tempore Hansberger.

City Attorney Holdaway announced that the City Council met with Legal Counsel and its Negotiator and gave direction. There was no final action to report.

The meeting adjourned at 9:42 p.m.

Approved at the meeting of

City Clerk